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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ON PETITION

In re Application of:
Gene W. Lee
Application No. 09/203,965
Filed: December 2, 1998
For: **SYSTEM AND METHOD FOR MANAGING A
HOLD QUEUE BASED ON CUSTOMER
INFORMATION RETRIEVED FROM A CUSTOMER
DATABASE**

This is a decision on the petition filed on October 7, 2002, to withdraw the holding of abandonment and the supplemental statements filed via facsimile on January 14, 2003. The petition is being treated pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The Notice of Abandonment was mailed August 26, 2002 for failure to file a proper reply to the non-final Office action mailed July 3, 2001.

Petitioner alleges to have timely filed a response, amendment and request for extension of time. In support of the petition to withdraw the holding of abandonment, petitioner submits a copy of the Amendment and response, and a copy of the petition for an extension of time, including authorization to charge applicant's deposit account; which were filed via facsimile on November 6, 2001. Petitioner has also submitted a copy of a facsimile activity sheet as further evidence of the complete transmission to the Office on November 6, 2001 and has provided supplemental statements from Mr. R. Anthony Diehl which attest on a personal knowledge basis that the response was timely filed.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition complies with the requirements stated above.

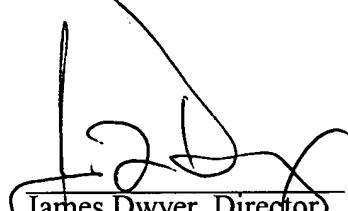
Accordingly, the petition is **GRANTED**.

The Notice of Abandonment mailed on August 26, 2002 is hereby vacated and the holding of abandonment withdrawn.

It is noted that the copy of the response includes a check box requesting a "two month" extension of time; whereas the first paragraph of the amendment refers to a petition for a "one month" extension of time. Since the non-final Office action was mailed July 3, 2001 setting forth a three month shortened statutory period for reply, the response (without a fee) would have had to been filed on or before October 3, 2001. A one month extension of time would have permitted filing of a timely response on or before Monday, November 5, 2001 (November 3, 2001 was a Saturday). Therefore, in order for the November 6, 2001 response to be timely, fees for a two month extension of time are required.

The application file is being forwarded to the Technology Center's support staff for processing of the two month extension of time and entry of the copy of the amendment and response.

Thereafter, the application file will be forwarded to the Examiner for further examination in due course.



James Dwyer, Director
Technology Center 2600
Communications